



DEPARTMENT OF TRANSPORTATION  
HAZARDOUS MATERIALS REGULATIONS BOARD  
WASHINGTON, D.C. 20590

[Docket No. HM-24; Admt. 177-6]

**PART 177—SHIPMENTS MADE BY  
WAY OF COMMON, CONTRACT,  
OR PRIVATE CARRIERS BY PUBLIC  
HIGHWAY**

**Explosives on Vehicles in Combination**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the transportation of Class A explosives on one vehicle of a combination of motor vehicles when certain other hazardous materials, heretofore restricted, are transported in another vehicle of the same combination.

On May 8, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making, docket No. HM-24; notice No. 69-13 (34 F.R. 7457), which proposed to amend 49 CFR 177.835(c) to relax the application of § 177.848 to a combination of vehicles where one or more vehicle contains hazardous materials.

Interested persons were afforded an opportunity to participate in this rule making. Comments were received from several parties most of which favored the proposal. One commenter objected to the proposed change on the grounds that it would increase the hazard to the public. This commenter gave no basis for its conclusion other than that it did not feel that the reasons stated in the notice were persuasive. For the reasons stated in the notice and as discussed herein, the Board believes that the proposed change is justified.

One commenter suggested there is a tendency to consider blasting caps as initiating explosives, and that inasmuch as proposed § 177.835(c)(4)(i) names "initiating explosive" it could be construed to prohibit blasting caps. Blasting caps are used to initiate explosives but are not classed as or considered "initiating explosives" for regulatory purposes. The requirements applicable to the transportation of blasting caps are separate and distinct from the requirements applicable to shipments of initiating

explosives. Therefore, the end result sought by this comment is achieved without any change in the proposed language. For clarification in paragraph (c)(4) the word "type" is deleted and the word "contains" is substituted for the word "loaded."

In consideration of the foregoing, Part 177 of Title 49 of the Code of Federal Regulations is amended by amending paragraph (c) of § 177.835 to read as follows:

**§ 177.835 Explosives.**

(c) *Explosives on vehicles in combination.* Class A explosives may not be loaded into or carried on any vehicle of a combination of vehicles if:

(1) More than two cargo carrying vehicles are in the combination;

(2) Any full trailer in the combination has a wheel base of less than 184 inches;

(3) Any vehicle in the combination is a tank motor vehicle which is required to be marked or placarded under § 177.823; or

(4) The other vehicle in the combination contains any:

- (i) Initiating explosive,
- (ii) Packages of radioactive materials bearing "Yellow III" labels,
- (iii) Class A or B poisons, or
- (iv) Hazardous materials in a portable tank or a DOT specification 106A or 110A tank.

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 25, 1969.

E. H. HOLMES,  
Acting Administrator,  
Federal Highway Administration.

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8:48 a.m.]